

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
(EASTERN DIVISION - BOSTON)

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| <p>KIRA WAHLSTROM,</p> <p>Plaintiff,</p> <p>-against-</p> <p>DAVID J. HOEY, LAW OFFICES OF DAVID J. HOEY, P.C., DON C. KEENAN, D.C. KEENAN & ASSOCIATES, P.C. D/B/A THE KEENAN LAW FIRM, P.C., AND KEENAN’S KIDS FOUNDATION, INC.</p> <p>Defendants</p> | <p>Civil Case No. 1:22-cv-10792-RGS</p> |
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**STIPULATION SEEKING COURT APPROVAL TO TAKE DEPOSITION OF
DEFENDANT DON KEENAN AFTER THE DISCOVERY DEADLINE AND TO
AMEND LATER SCHEDULING ORDER DEADLINES**

Plaintiff Kira Wahlstrom and Defendants David J. Hoey, Law Offices of David J. Hoey, P.C., Don C. Keenan, D.C. Keenan and Associates P.C. d/b/a The Keenan Law Firm P.C. and Keenan’s Kids Foundation, Inc. submit this stipulation seeking the Court’s approval to take the deposition of Defendant Don Keenan after the discovery deadline on the grounds stated herein and amend later scheduling order deadlines accordingly.

1. On December 12, 2022, Plaintiff served a notice to take the deposition of Don Keenan on January 20, 2023.
2. On December 20, 2023, counsel for Keenan, John J. O’Connor, advised that neither counsel nor Keenan were available for the January 20, 2023 date.
3. The Keenan deposition was rescheduled by agreement of all parties to February 17, 2023 and the parties agreed to take the deposition via remote video conference with Keenan appearing from Florida.

4. On February 15, 2023, attorney John Bowler, who has appeared for the Keenan's Kids Foundation but also represents Keenan, advised that the deposition scheduled for February 17, 2023 needed to be rescheduled because another attorney that was to prepare with Keenan had suffered a rebound case of COVID-19.
5. The parties agreed to rescheduling Keenan's deposition for March 7, 2023.
6. On February 27, 2023, attorney Bowler provided attorney's eyes only designated information to Plaintiff Wahlstrom's counsel concerning Keenan's current health and advised he may not be able to appear as scheduled due to medical reasons.
7. On March 2, 2023, attorney Bowler provided a further update on Keenan's medical information and advised the deposition scheduled for March 7, 2023 could not go forward.
8. Keenan's counsel have represented that he is unable to proceed with his deposition on a date before close of discovery on March 31, 2023 but that he can be produced as soon as his health allows in the coming weeks in April.
9. The present deadline for expert reports is April 28, 2023 however the parties prefer that the deposition of Keenan be completed before experts finalize their reports.

Based on the above, all parties agree to and seek the Court's approval of the following amendment to the current schedule:

1. Keenan will appear for his deposition via remote videoconference after the current fact discovery deadline and must do so by no later than April 28, 2023, on a date mutually agreeable to all parties. The parties will promptly cooperate to schedule the deposition date upon approval of this stipulation by the Court.
2. The parties' expert reports are due by May 29, 2023.

3. Expert discovery closes June 30, 2023.
4. Daubert motions are to be filed by July 21, 2023.
5. Dispositive motions are due 30 days following resolution of Daubert motions and if none are filed, August 7, 2023.
6. If Keenan seeks a further continuation of the taking of his deposition based on medical grounds, he must file a motion seeking such relief from the Court and will have the burden of making a documented factual showing in support of that motion. The motion must be filed within 3 days of advising the parties that the scheduled deposition of Keenan cannot go forward. The parties agree that Keenan can seek leave from the Court to file his medical records in support of any such motion under seal.

Stipulated and agreed to by counsel on behalf of all parties this 29th of March, 2023.

On behalf of Plaintiff
Kira Wahlstrom

/s/ Bridget A. Zerner
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On behalf of Defendants David J. Hoey and
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/s/ Christine A. Knipper
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On behalf of Defendant Don C. Keenan and
D.C. Keenan and Associates P.C. d/b/a The
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On behalf of Defendant Keenan's Kids
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CERTIFICATE OF SERVICE

I hereby certify that on March 29, 2023 this document was served by electronic delivery through the CM/ECF system on the registered participants as identified on the Notice of Electronic Filing, which will forward copies to Counsel of Record.

/s/ Bridget A. Zerner

Bridget A. Zerner